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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/604,304

07/09/2003

BRUCE PRESTON WILLIAMS

202-1228

1303

7590

03/01/2006

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EXAMINER

PHAN, HAU VAN

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/604,304	Applicant(s) WILLIAMS, BRUCE PRESTON	
	Examiner Hau V Phan	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgment

1. The amendment filed on 1/19/2006 has been entered.
2. In view of the appeal brief filed on 1/19/2006, PROSECUTION IS HEREBY REOPENED. The new ground set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blake (6,874,806) figure 8 in view of Blake figure 5B or figure 6.

Blake in figures 8, discloses a trailer hitch cover for a motor vehicle. The trailer hitch cover includes a structure, which is capable to use as a step. Blake discloses a rear structural member (518) located at a rear end of a body, a trailer hitch (14) attached to the structure member, a pair of bracket (514) attached to the structural member and spaced a predetermine distance apart and a rear bumper (512) configured to both cover the structural member and to allow for access to the bracket. Blake also discloses a cover or a step (516) pivotally coupled to the bracket and operative to articulate about an axis between first and second positions. Blake discloses a body of vehicle without showing a front end, a roof and a plurality of wheels coupled to the body, but Blake discloses trailer hitch cover for the motor vehicle. It should be well known in the art that the vehicle must have the front end, the roof and wheels couple to the body. Blake in figure 8, fails to show the trailer hitch is not operable in the first position, which is a close position.

Blake in figures 5B or figure 6, teaches a cover (286, figure 6, 188, figure 5B) including a rotatable door or a cover plate (156). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cover plate or the step of Blake in figure 8 with the cover having a rotatable window as taught by Blake in figure 5B in order to access to the trailer hitch with the cover plate or the step in the first position or the second position.

Regarding claim 2, Blake discloses the rear structural member, which is formed with the brackets integral therewith.

Regarding claim 3, Blake discloses the brackets, which are independent pieces and are attached to the rear structural member by one of welding, bolting, and riveting means.

Regarding claim 4, Blake discloses the brackets extending a predetermined distance from the structural member and the bumper.

Regarding claim 5, Blake discloses the step, which is u-shaped (An U shaped is formed when an opening is cut for the rotatable window) having two leg members, with one of the leg members each attached to each of the brackets, and a planar member disposed between the leg members and wherein the planar member has a first side and a second side.

Regarding claim 6, Blake discloses the planar member, which is substantially vertically oriented when the step is in the first position, and substantially horizontally oriented to provide a step when in the second position.

Regarding claim 7, Blake discloses the first side of the step providing a stepping surface when the step is in the second position and wherein the first side includes a plurality of traction improving grooves (58, as suggested in figure 4B for traction) extending perpendicular to the axis for the length of the planar member.

Regarding claim 8, Blake discloses the leg members, which are contoured to render the step flush with the bumper when the step is in the first position.

Regarding claim 11, Blake discloses a lockout mechanism (526) for the step.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blake (6,874,806) figure 8 in view of Blake figure 5B or figure 6 as applied to claim 1 above, and further in view of Hehr (6,685,204).**

Blake discloses the locking mechanism having a sliding pin, but fails to show a spring, a handle and a retainer.

Hehr in figures 20-21, teaches a locking mechanism having a sliding pin (120), a handle (124), a spring (130) and a retainer (126). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the locking mechanism of Blake with the locking mechanism having a sliding pin, a handle, a spring and a retainer as taught by Hehr in order to operate the locking mechanism manually.

Response to Arguments

7. Applicant's arguments with respect to claims 1-8 and 11-12 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 571-272-6696. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hau V Phan
Primary Examiner
Art Unit 3618



2/23/06